

# Exhibit 2

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

HEALTHIER CHOICES  
MANAGEMENT CORP.,

Plaintiff,

v.

PHILIP MORRIS USA, INC. and PHILIP  
MORRIS PRODUCTS S.A.,

Defendants.

Case No. 1:20-cv-04816-TCB

**DECLARATION OF ELIZABETH S. WEISWASSER IN SUPPORT OF  
DEFENDANTS' MOTION FOR ATTORNEYS' FEES**

I, ELIZABETH S. WEISWASSER, declare as follows:

1. I am a partner in the law firm of Weil, Gotshal & Manges LLP (“Weil”), counsel for Philip Morris USA, Inc. (“PMUSA”) in the above-captioned case. I am licensed to practice law in the state of New York, among other jurisdictions, and am a member in good standing of the State Bar of New York.

2. I submit this declaration in support of Defendant PMUSA’s motion for attorneys’ fees.

3. I have personal knowledge of the facts set forth in this declaration, and could testify competently to these facts if called as a witness.

4. Since Weil began representing PMUSA against the infringement claim brought by Plaintiff Healthier Choices Management Corp. (“HCM”) in November 2020, PMUSA has spent attorneys’ fees and filing costs to defend itself, including performing tasks in response to HCM’s infringement complaint, and other legal tasks to provide a complete defense to HCM’s allegations, including, for example, preparing and filing a motion to dismiss the complaint, a reply brief in support of the same, addressing and responding to HCM’s motion for leave to file an amended complaint.

5. In its motion, PMUSA is seeking only fees relating to tasks performed in response to HCM’s infringement complaint, amounting to \$307,459.85 in fees

due to work performed by Weil. This amount represents time spent by Weil attorneys, paraprofessionals, and attorney support staff on district court litigation tasks performed in response to HCM's infringement complaint between November 30, 2020 and December 3, 2021. This number is approximate, as Weil's billing system has not yet finalized fees due for work performed in December 2021.

\* \* \*

I declare upon penalty of perjury under the laws of the United States and the State of California that the foregoing is true and correct.

Executed on December 15, 2021 in New York City, NY.

/s/ Elizabeth S. Weiswasser

Elizabeth S. Weiswasser